

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

UNITED STATES DISTRICT COURT

for the
Western District of Virginia

APR 08 2014

JULIA C. DUDLEY, CLERK
BY: *[Signature]*
DEPUTY CLERK

In the Matter of the Tracking of)
 (Identify the person to be tracked or describe)
 the object or property to be used for tracking))
 Installation and Monitoring of a tracking device in or)
 on a 2003 BMW Sedan, black in color, Virginia)
 Registration number WNH-9660; VIN)
 WBAEV33473KL81049)

Case No. 7:14 MJ 29

APPLICATION FOR A TRACKING WARRANT

I, a federal law enforcement officer or attorney for the government, have reason to believe that the person, property, or object described above has been and likely will continue to be involved in one or more violations of 21 U.S.C. § 841 and 846. Therefore, in furtherance of a criminal investigation, I request authority to install and use a tracking device or use the tracking capabilities of the property or object described above to determine location. The application is based on the facts set forth on the attached sheet.

- ☒ The person, property, or object is located in this district. ☐ The activity in this district relates to domestic or international terrorism.
- ☐ The person, property, or object is not now located in this district, but will be at the time of execution. ☐ Other:

The tracking will likely reveal these bases for the warrant under Fed. R. Crim. P. 41(c): (check one or more)

- ☐ evidence of a crime; ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime; ☐ a person to be arrested or a person who is unlawfully restrained.

☐ I further request, for purposes of installing, maintaining or removing the tracking device, authority to enter the following vehicle or private property, or both:
144 Rutledge Dr. Apt 1, Salem, Virginia 24153

☐ Delayed notice of 30 days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

[Signature]
Applicant's signature

TODD FARRIS TFO
Applicant's printed name and title

Sworn to before me and signed in my presence.

Date: April 8, 2014

City and state: Roanoke, VA

[Signature]
Judge's signature

Robert S. Batten, USMS
Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

APR 08 2014

JULIA C. DUDLEY, CLERK
BY: *[Signature]*
DEPUTY CLERK

IN THE MATTER OF THE APPLICATION)
OF THE UNITED STATES OF AMERICA)
FOR A TRACKING WARRANT AND ORDER)
PURSUANT TO 18 U.S.C. §§ 2703(c)(1)(A),)
2703(d), and 3122 FOR the 1) Installation and)
Monitoring of a tracking device in or on a)
2003 BMW Sedan, black in color, Virginia)
Registration: WNH-9660)
VIN: WBAEV33473KL81049)

UNDER SEAL
FILED UNDER SEAL

7:14MJS29

AFFIDAVIT IN SUPPORT OF APPLICATION

INTRODUCTION

I, Todd Farris, being duly sworn, depose and state as follows:

1. I am a "federal law enforcement officer" within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C), that is, a government agent engaged in enforcing the criminal laws and duly authorized by the Attorney General to request a warrant. I have been employed as a Task Force Agent of the Drug Enforcement Administration since September 2013. Prior to my current assignment, I was previously assigned as a Detective with the Roanoke County Police Department Vice and Narcotics Unit, starting in 2009. Your affiant has been a Police Officer for 15 years. Your affiant has attended narcotics investigation schools and has been involved with numerous narcotics investigations including, but not limited to heroin investigations. These investigations have led to the seizure of narcotics and assets, as well as the arrests of multiple drug traffickers.

2. I present this affidavit in support of an application for an order authorizing the use of an electronic tracking device (Global Positioning System) to be installed on a vehicle currently registered to Gina SANTOS, 144 Rutledge Dr. Apt 1 Salem, Virginia, located within the Western District of Virginia, which is currently being utilized by Jack and Gina SANTOS. The installation of the GPS will allow law enforcement to track the movements of the vehicle, identify possible sources of supply (SOS) for this organization and allow law enforcement to interdict these suspects.

[Handwritten signature]
4/4/2014

The facts in the paragraphs below reveal probable cause to believe Jack and Gina SANTOS utilize this vehicle in furtherance of illegal activity.

3. I have personally participated in the investigation set forth below. The facts and information contained in this affidavit are based on my personal knowledge, and information obtained from federal and state law enforcement officers. All observations referenced in this affidavit that were not personally made were relayed to me by the person(s) who made such observations, or by reports that detailed the events described by that person(s).

4. This affidavit does not contain every fact known to me regarding this investigation, but rather contains information necessary to demonstrate probable cause to believe that Jack SANTOS, Gina SANTOS and others are engaged in a conspiracy to distribute controlled substances, to wit heroin. Since this affidavit is being submitted for the limited purpose of securing an Order authorizing the installation of an electronic tracking device (Global Positioning System), I have not included details of every aspect of the investigation. Facts not set forth herein are not being relied on in reaching my conclusion that the requested Order should be issued. Nor do I request that this Court rely on any facts not set forth herein in reviewing this application. Law enforcement officers have utilized cooperating sources of information (hereafter referred to as a CS) during this investigation. Regardless of the gender of the CS, he will be referred to in the masculine gender. The cooperating witnesses and sources have made statements against their own penal interest and have provided law enforcement agents with reliable and credible information which has been corroborated.

5. Probable cause exists to believe that the installation of an electronic tracking device (Global Positioning System) will constitute or lead to evidence concerning offenses involving the distribution and possession with intent to distribute controlled substances, in violation of Title 21, United States Code, Section 841(a)(1); offenses involving the use of communications facilities in commission of narcotics offenses, in violation of Title 21, United States Code, Section 843(b); and offenses involving the attempt and conspiracy to commit the aforementioned crimes, in violation of Title 21, United States Code, Sections 846, as well as the identification of individuals who are engaged in the commission of these offenses.

BACKGROUND OF THE INVESTIGATION

Handwritten: 4/8/2014

6. On April 5, 2014, Your affiant and Detective Natalie Maxey with the Roanoke County Police Department interviewed a cooperating source, in person, (hereafter referred to as CS1) regarding the illegal drug activities of Jack SANTOS, whom was the heroin source of supply (SOS) for CS1. SANTOS is involved in the drug trafficking of heroin, from New Jersey to the Roanoke Valley located in the Western District of Virginia. CS1 stated that SANTOS' SOS of heroin is located in Newark, New Jersey. CS1 stated that he has accompanied SANTOS to the SOS in Newark, New Jersey to pick up heroin on multiple occasions; however, CS1 has not identified the SOS due to the fact that SANTOS did not want them to meet. CS1 stated that he has provided SANTOS with U.S. Currency to purchase quantities of heroin on a weekly basis.

7. CS1 stated that SANTOS makes weekly trips to Newark, New Jersey to pick up multiple "bricks" of heroin (a minimum 250 dosage units or 7.5 grams). CS1 stated that SANTOS and his wife, Gina SANTOS continue to take these trips and do so in a black BMW with Virginia license plate number WNH-9660 which has been observed leaving the residence of CS1 and followed to the registered address during surveillance.

8. DMV record search for Gina SANTOS showed a 2003 BMW Sedan, black in color, registered to Gina Marie SANTOS at 144 Rutledge Dr. Apt 1, Salem, Virginia. According to DMV records this vehicle bears Virginia license plate: WNH-9660.

9. Detective Maxey has made controlled purchases of heroin from CS1 utilizing a Roanoke County Police confidential source (CS 812). CS 812 stated to Detective Maxey that they believed the SOS to CS1 is a subject known to them as Jack SANTOS. As a part of Roanoke County procedure, a photographic lineup was made by Detective Maxey and CS 812 was able to positively identify SANTOS.

10. Your affiant believes that based on the above information, Jack and Gina SANTOS are utilizing a Black BMW Sedan (VA tag: WNH-9660) in furtherance of these heroin distribution activities. Your affiant requests authorization for installation of an electronic tracking device (Global Positioning System) on the black BMW Sedan bearing VA tag WNH-9660 for 45 days. As described previously, Jack

1815
4/8/2014

and Gina SANTOS utilize a SOS believed to be located in the Newark, New Jersey area. It is your affiant's belief that Jack and Gina SANTOS travel to this area to obtain heroin for distribution in Roanoke, Virginia. In your affiants training and experience, it is common for narcotics distributors to make trips out of their area of operation to acquire drugs in bulk quantities to return to their area of operation with and distribute these drugs. It is also your affiant's belief from training and experience that narcotics distributors are very cautious when travelling to meet their suppliers, and will employ many different tactics to ensure that they are not being followed by law enforcement officials. Access to the GPS signal emanating an electronic tracking device installed on the vehicle Jack and Gina SANTOS use will allow physical surveillance of the SANTOS during a long distance trip without the risk of alerting Jack and Gina SANTOS to the presence of surveillance. Your affiant knows through training and experience that it is common for narcotics distributors to keep the bulk of their narcotics away from their place of residence to avoid being caught by law enforcement. For these reasons, your affiant requests authorization to install an electronic tracking device on the vehicle used by Jack and Gina SANTOS to provide law enforcement with necessary information regarding the departure time, arrival time, location of possible stash houses and routes taken by Jack and Gina SANTOS. Your affiant believes that based on the aforementioned information, Jack and Gina SANTOS will continue trafficking large quantities of heroin from New Jersey to the Roanoke, Virginia area in the black BMW Sedan (VA tag: WNH-9660).

AUTHORIZATION REQUEST

Based on the foregoing, there is probable cause to believe that the requested information will lead to evidence regarding the activities described above. The installation of an electronic tracking device (Global Positioning System) is necessary to determine the location of Jack SANTOS so that law enforcement agents can conduct physical surveillance of the targets in connection with this investigation and take enforcement actions.

WHEREFORE, pursuant to Federal Rule of Criminal Procedure 41, it is requested that the Court issue a warrant and Order authorizing agents of DEA to install an electronic tracking device (Global Positioning System) on black BMW Sedan (VA tag: WNH-9660) for a period of forty five (45) days.

Handwritten: 4/8/2014

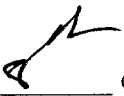
IT IS FURTHER REQUESTED that the Court authorize execution of the warrant at any time of day or night, therefore your affiant respectfully requests installation of the GPS unit day or night and on the private property identified as Jack and Gina SANTOS' residence (144 Rutledge Rd. Apt 1, Salem, VA 24153).

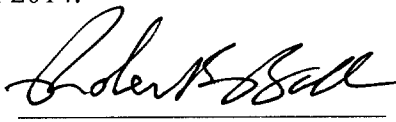
IT IS FURTHER REQUESTED that the warrant and this Affidavit, as it reveals an ongoing investigation, be sealed until further order of the Court in order to avoid premature disclosure of the investigation, guard against flight, and better ensure the safety of agents and others, except that working copies may be served on Special Agents and other investigative and law enforcement officers of DEA, federally deputized state and local law enforcement officers, and other government and contract personnel acting under the supervision of such investigative or law enforcement officers as necessary to effectuate the Court's Order.

IT IS FURTHER REQUESTED that, pursuant to 18 U.S.C. § 3103a(b) and Federal Rule of Criminal Procedure 41(f)(3), the Court authorize notice to be delayed for a period of thirty (30) days after the termination of the monitoring period authorized by the warrant or any extensions thereof, since disclosure at this time would seriously jeopardize the investigation.



Todd Farris Task Force Agent
DRUG ENFORCEMENT ADMINISTRATION

Sworn to before me this the  day of April 2014.



Honorable Robert Ballou
UNITED STATES MAGISTRATE JUDGE
WESTERN DISTRICT OF VIRGINIA